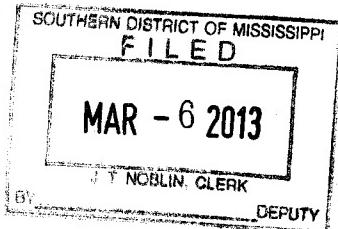


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION



RIVERSIDE CONSTRUCTION CO., INC.

PLAINTIFF

VS.

CIVIL ACTION NO.

5:13CV29 DCB-  
MTP

ENTERGY MISSISSIPPI, INC.

DEFENDANT

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NOTICE OF REMOVAL

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To: Hon. J. T. Noblin  
U. S. District Court Clerk  
P. O. Box 23552  
Jackson, MS 39225-3552

Hon. Shelly Ashley-Palmertree  
Warren County Circuit Clerk  
P. O. Box 351  
Vicksburg, MS 39181

Christopher Solop, Esq.  
Brenda T. Redfern, Esq.  
Lynn Patton Thompson, Esq.  
Kimberly B. Taft, Esq.  
Biggs, Ingram, Solop & Carlson, PLLC  
111 Capitol Building  
111 East Capitol Street, Suite 101 (39201)  
Post Office Box 14028  
Jackson, Mississippi 39236-4028

**PLEASE TAKE NOTICE,** that Defendant Entergy Mississippi, Inc. ("Entergy"), by and through counsel, pursuant to 28 U.S.C. §§ 1331, 1333, 1441, 1446, and 46 U.S.C. § 30101(a), has removed Civil Action No. 13,0016-CI from the Circuit Court of Warren County, Mississippi, to the

United States District Court for the Southern District of Mississippi, Western Division, on the following grounds:

1. The removed action was commenced by Plaintiff Riverside Construction Co., Inc. (“Riverside”) on February 4, 2013, and filed in the Circuit Court of Warren County, Mississippi, Civil Action No. 13,0016-CI. A copy of the Complaint and all other process, pleadings, orders and other matters provided to Entergy in this matter is attached hereto as a composite Exhibit A and incorporated herein by reference.
2. The Complaint in this matter alleges claims that arise under and/or raise substantial disputed questions of federal maritime law. Specifically, Plaintiff alleges that “Entergy’s withholding payment from Riverside is a breach of Entergy’s payment obligations under the Contract, wrongful, with reckless disregard for the terms and conditions of the Contract, and inflicted in the spirit of wanton disregard for the rights of Riverside and constitutes bad faith for which Riverside is entitled to receive exemplary damages.” *See Exhibit A, Complaint ¶ 25.*
3. The Contract between Entergy and Riverside is maritime in nature and relates directly to the maritime lawsuit Entergy filed against Marquette Transportation Company, LLC, and Bluegrass Marine, LLC, which is currently pending in the United States District Court for the Southern District of Mississippi, Western Division; Civil Action No. 5:11cv49-HTW-LRA.
4. This Court has subject matter jurisdiction over this civil action pursuant to 28 U.S.C. §§ 1331, 1333 and 46 U.S.C. § 30101(a).
5. Removal in this matter is timely pursuant to 28 U.S.C. § 1446. Entergy was served with process on February 5, 2013. This Notice of Removal has been timely filed within thirty (30) days of the Plaintiff’s service of process on Entergy.

6. By filing this Notice of Removal, Entergy does not waive its rights to object to service, service of process, sufficiency of process, jurisdiction over the subject matter, jurisdiction over the person, venue, or assert any other applicable defenses.

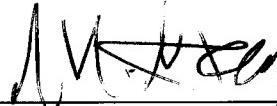
7. A copy of this Notice of Removal has been sent to Plaintiff's counsel and notice will also be filed with the Clerk of the Circuit Court of Warren County, Mississippi.

WHEREFORE, PREMISES CONSIDERED, Entergy Mississippi, Inc. prays that this Court accept subject matter jurisdiction over these proceedings as provided for by law.

Respectfully submitted, this the 6th day of March, 2013.

**ENTERGY MISSISSIPPI, INC.**

By: \_\_\_\_\_

  
Sean R. Guy (MSB#100362)

*Its Attorney*

OF COUNSEL:

McCRANEY MONTAGNET QUIN & NOBLE, PLLC  
602 Steed Road, Suite 200  
Ridgeland, Mississippi 39157  
Telephone: (601) 707-5725  
Facsimile: (601) 510-2939

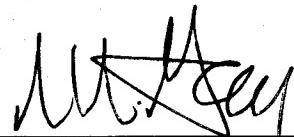
**CERTIFICATE OF SERVICE**

I, Sean R. Guy, attorney for Entergy Mississippi, Inc., do hereby certify that I have this date caused to be served through email and the Court's ECF filing system, a true and correct copy of the foregoing document to the following:

Christopher Solop, Esq.  
Brenda T. Redfern, Esq.  
Lynn Patton Thompson, Esq.  
Kimberly B. Taft, Esq.  
Biggs, Ingram, Solop & Carlson, PLLC  
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[ktaft@bisclaw.com](mailto:ktaft@bisclaw.com)

*Attorneys for Riverside Construction Co., Inc.*

This the 6th day of March, 2013.



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Sean R. Guy